THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26704 of 2006

29.12.2006

Between:

Tholada Nukanna, S/o.Late Pedda Appanna

… Petitioner

AND

The Secretary to the Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26704 of 2006

ORDER:

The petitioner is resident of Pedda Uppada Village. He succeeded to the property admeasuring Acs.1.57 in survey No.16/2 situated at Chepal Uppada village of Bheemunipatnam Mandal in Visakhapatnam District, which was purchased by his father under three registered sale deeds. When there was an interference with the possession by the third respondent herein, the petitioner filed a suit being O.S.No.293 of 2006 on the file of the Court of the Junior Civil Judge, Bheemunipatnam, and obtained *ad interim* injunction by virtue of order dated 08.11.2006. Thereafter, it appears, the third respondent approached the second respondent in response to which the latter addressed a letter to the Sub-Inspector of Police, P.S.Bheemunipatnam, and Circle Inspector of Police, informing that the petitioner herein has no right over the land in survey No.16/2A. As a result of such communication, which is impugned in the writ petition, Sub-Inspector of Police and Circle Inspector of Police visited the petitioner's property. The petitioner then approached the Superintendent of Police, Visakhapatnam (Rural) on 17.11.2006 when police officials dropped further action. However, the second respondent again started interfering in the matter, aggrieved by which, the present writ petition is filed.

Heard the learned Counsel for petitioner and learned Assistant Government Pleader for Revenue (General-A). A perusal of the impugned letter of the second respondent dated 22.11.2006 would show that he virtually decided the question of title as well as possession though the dispute is pending in the Civil Court in O.S.No.293 of 2006 filed by the petitioner herein. The action of the second respondent is, therefore, not above the board. This Court has

repeatedly held that the police or revenue officials can neither resolve the question of disputed title nor interfere with the possession of a party, when the matter is pending in Civil Court. If the Civil Court passes an order directing Police Officer to give protection to the person in possession it is altogether different. In a similar matter, this Court while disposing of writ petition being W.P.No.4328 of 2006 dated 07.12.2006 observed as under.

> After hearing the learned Counsel for the petitioner, the learned Assistant Government Pleader for Revenue (General-A) and the learned Counsel for the third respondent, having regard to the fact that the suit was filed by the third respondent even before the first respondent addressed the second respondent, this Court observes that in a matter where there is a civil dispute pending in a civil Court either for declaration of title or for perpetual injunction, revenue authorities or Police authorities should not ordinarily interfere in such dispute. This, however, does not bar the jurisdiction of the revenue authorities under the specific enactments in relation to revenue matters. Therefore, the impugned order/letter is certainly beyond the power or jurisdiction of the first respondent. Be that as it is, it is now brought to the notice of this Court that in I.A.No.11 of 2006 in O.S.No.19 of 2006, the Court of the II Senior Civil Judge, Visakhapatnam, passed orders of *status quo* on 10.04.2006, and if any party is aggrieved thereby or violation of such *status quo* order, then they have to move the same Court for necessary Police protection.

The writ petition is, therefore, disposed of observing that unless and until there is a specific order from Civil Court, the revenue officials or police officers cannot interfere with possession of the petitioner. No costs.

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December 29, 2006. (**V.V.S.RAO,J**)

NOTE:

Issue order copy by 02.1.2007.

(By order)

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